

## **APPENDIX A**

### **TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL FIFTH JUDICIAL CIRCUIT AND DISTRICT CRITTENDEN, UNION AND WEBSTER COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

#### **I. Uniform Protocol for Handling Cases**

- A. All domestic violence cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Marriage dissolution proceedings filed in the Fifth Judicial Circuit Court or any other court shall not suspend, alter or vacate domestic violence proceedings in the Fifth Judicial Circuit Court. All Emergency Protective Orders and Domestic Violence Orders issued by either court shall remain in effect unless specifically altered or vacated by subsequent orders of the appropriate court. Once marriage dissolution is filed in the Fifth Judicial Circuit Court or any other Circuit Court, all matters concerning visitation, custody and support, maintenance, and other items not concerned with individual protection shall be heard in the dissolution proceedings.
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

When it is discovered, subsequent to the entry of an EPO, that a dissolution or child custody proceeding is pending in another county, then the domestic violence case filed in this circuit shall be transferred to the circuit where dissolution/child custody case is pending. This Court shall continue reissuing the EPO until the matter can be heard by the Judge in the other circuit in accordance with KRS 403.740(4).

(Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.)

## II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

During the hours of 8:00 a.m. - 4:00 p.m. Monday through Friday, a person who wishes to obtain an EMERGENCY PROTECTIVE ORDER should go to the Circuit Court Clerk's office in their county and file a DOMESTIC VIOLENCE PETITION.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

At times other than these regular Circuit Court business hours, the person seeking protection should contact any sworn peace officer (local city police, sheriff's office or the state police) or the County Attorney in their respective county to obtain a Domestic Violence Petition. The above designated person, receiving a completed Domestic Violence Petition after regular Circuit Court business hours, is authorized to administer an oath to the petitioner affirming the truthfulness to the contents of the petition and shall sign their name and office position to the petition in witness and verification of said oath.

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

The completed, sworn Domestic Violence Petition shall be presented to the Family Court Judge of the Fifth Judicial Circuit. If not available, the petition may be presented to any Trial Commissioner, District Judge or Circuit Judge of the Fifth Judicial Circuit. If no authorized individual can be found in the Fifth Judicial Circuit, the officer shall present the verified petition to the Family Court Judge, Circuit Judge, District Judge or Trial Commissioner in any surrounding county.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

The completed, sworn Domestic Violence Petition shall be presented to the Family Court Judge of the Fifth Judicial Circuit. If not available, the petition may be presented to any Trial Commissioner, District Judge or Circuit Judge of the Fifth Judicial Circuit. If no authorized individual can be found in the Fifth Judicial Circuit, the officer shall present the verified petition to the Family Court Judge, Circuit Judge, District Judge or Trial Commissioner in any surrounding county.

- E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

- F. The schedule for domestic violence hearings is as follows:

- (1) **Webster Family Court.** Domestic Violence hearings shall be held on the first, second, third or fourth Monday of each month in Webster County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.
- (2) **Crittenden Family Court.** Domestic Violence hearings shall be held on the first, second, third or fourth Tuesday of each month in Crittenden County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.
- (3) **Union Family Court.** Domestic Violence hearings shall be held on the first, second, third or fourth Wednesday of each month in Union County Family Court at 11:00 a.m. except for state holidays or in the event of court being cancelled for any unforeseen reason.

### III. Contempt Proceedings

- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

- B. Petitioners seeking to initiate contempt proceedings should contact:

Circuit Clerk's Office in county where protective order is entered and file completed affidavit on form AOC- 275.5.

- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the 5<sup>th</sup> Circuit/District:

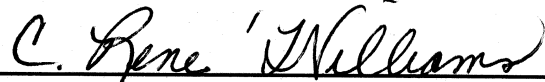


Hon. William E. Mitchell

Circuit Judge

Family Court Division

Date: 3/22/12



Hon. C. Rene Williams

Circuit Judge

Date: 3/21/12



Hon. Daniel M. Heady

District Judge

Date: March 19, 2012